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12 **PLAINTIFFS' INTERIM CO-LEAD COUNSEL**

13
14 **IN THE UNITED STATES DISTRICT COURT**
15
16 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
17
18 **SAN FRANCISCO DIVISION**

19 **SKYE ASTIANA, PAMELA RUTLEDGE-**
20 **MUHS and JAY WOOLWINE, on behalf of**
21 **themselves and all others similarly situated,**

22 **Plaintiffs,**
23
24 **v.**
25
26 **DREYER'S GRAND ICE CREAM, INC.,**
27
28 **Defendant.**

CASE NO.: 3:11-cv-02910-EMC
Consolidated with CASE NO.: 3:11-cv-3164

CLASS ACTION

DECLARATION OF JOSEPH N.
KRAVEC, JR., IN SUPPORT OF
PLAINTIFFS' MEMORANDUM OF LAW
IN OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS

1 I, Joseph N. Kravec, Jr., hereby declare:

2 1. I am a partner with Stember Feinstein Doyle Payne & Kravec, LLC, and serve as
3 Interim Co-Lead Counsel for Plaintiffs in the above-captioned matter.

4 2. I am admitted to practice *pro hac vice* before the United States District Court for the
5 Northern District of California in this matter.

6 3. I make this declaration based on my personal knowledge and if called as a witness I
7 could and would testify competently to the facts stated herein.

8 4. Attached hereto as Exhibit 1 is a true and correct copy of the label of the product
9 Edy's Rich and Creamy Grand Vanilla Chocolate Ice Cream.

10 5. Attached hereto as Exhibit 2 is a true and correct copy of the U.S. Food and Drug
11 Administration Advisory Opinion dated February 9, 1983, entitled "Labeling of Ice Cream Products
12 Flavored with Vanilla Docket No. 80A-0209."

13 I declare under penalty of perjury under the laws of the United States that the foregoing is
14 true and correct.

15 Executed this 1st day of June, 2012 in Pittsburgh, Pennsylvania.

16
17 s/Joseph N. Kravec, Jr.

18 Joseph N. Kravec, Jr.

1 **PROOF OF SERVICE**

2 STATE OF PENNSYLVANIA)
3) ss.:
4 COUNTY OF ALLEGHENY)

5 I am employed in the County of Allegheny, State of Pennsylvania. I am over the age of 18
6 and not a party to the within action. My business address is 429 Forbes Avenue, Allegheny
7 Building, 17th Floor, Pittsburgh, PA 15219.

8 On June 1, 2012, using the Northern District of California's Electronic Case Filing System,
9 with the ECF ID registered to Joseph N. Kravec, Jr., I filed and served the document(s) described as:

10 **DECLARATION OF JOSEPH N. KRAVEC, JR. IN SUPPORT OF
11 PLAINTIFFS' MEMORANDUM OF LAW IN OPPOSITION
12 TO MOTION TO DISMISS FIRST AMENDED CONSOLIDATED COMPLAINT**

13 **[X] BY ELECTRONIC TRANSMISSION USING THE COURT'S ECF SYSTEM:** I
14 caused the above document(s) to be transmitted by electronic mail to those ECF registered
15 parties listed on the Notice of Electronic Filing (NEF) pursuant to Fed.R.Civ.P. 5(d)(1) and
16 by first class mail to those non-ECF registered parties listed on the Notice of Electronic
17 Filing (NEF). *"A Notice of Electronic Filing (NEF) is generated automatically by the ECF
18 system upon completion of an electronic filing. The NEF, when e-mailed to the e-mail
19 address of record in the case, shall constitute the proof of service as required by
20 Fed.R.Civ.P. 5(d)(1). A copy of the NEF shall be attached to any document served in the
21 traditional manner upon any party appearing pro se."*

22 I declare that I am admitted *pro hac vice* in this action.

23 I declare under penalty of perjury under the laws of the United States that the above is true
24 and correct.

25 Executed on June 1, 2012, at Pittsburgh, Pennsylvania.

26 s/Joseph N. Kravec, Jr.
27 Joseph N. Kravec, Jr.